

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD H. LENT,

Plaintiff,

– *against* –

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

OPINION & ORDER

19 Civ. 1127 (ER) (RWL)

RAMOS, D.J.:

Richard Hodgson Lent brings this action pursuant to 42 U.S.C. § 405(g) challenging the decision of the Commissioner of Social Security (the “Commissioner”) denying his application for supplemental security income (“SSI”). Doc. 1. Before the Court are the parties’ cross-motions for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). Docs. 14, 18. On March 3, 2020, Magistrate Judge Robert W. Lehrburger issued a Report and Recommendation (the “R&R”), recommending that the Commissioner’s motion be granted and Plaintiff’s motion be denied, and notifying the parties that they had fourteen days from service of the R&R to file written objections. Doc. 21. Over fourteen days have since elapsed, and neither party has filed objections to the R&R.

I. LEGAL STANDARD

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may file specific written objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C). The district court may adopt those parts of the report

and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

II. DISCUSSION

Because neither party has filed objections to the R&R, the Court reviews it for clear error. The Court has carefully reviewed Judge Lehrburger's thorough and well-reasoned R&R and finds no error, clear or otherwise. Accordingly, the Court adopts the R&R in its entirety. The Commissioner's motion is GRANTED, and Plaintiff's motion is DENIED. Plaintiff's failure to file an objection precludes appellate review of this decision. *See Small v. Sec'y of Health and Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam).

The Clerk of Court is respectfully directed to terminate the motions, Docs. 14 and 18, and to close the case.

It is SO ORDERED.

Dated: March 30, 2020
New York, New York



EDGARDO RAMOS, U.S.D.J.